

REMARKS

Claims 1-25 are all the claims pending in the application. By this Amendment, Applicant amends claims 1-3, 9, 12, and 15 for improved conformity with the US practice. In order to provide more varied protection, Applicant adds claims 16-25.

I. Preliminary Matter

Applicant thanks the Examiner for indicating acceptance of the replacement drawings filed June 5, 2003.

II. Summary Office Action

Claim 12 is rejected under 35 U.S.C. § 112, first paragraph. Claims 1-16 are rejected under 35 U.S.C. § 101 and under 35 U.S.C. § 102(e) as being anticipated by a newly asserted reference, U.S. Patent No. 6,324,280 to Dunn et al. (hereinafter "Dunn").

III. Claim Rejections Under 35 U.S.C. § 112, first paragraph.

The Examiner rejects claim 12 under 35 U.S.C. § 112, first paragraph. Applicant respectfully traverses these grounds of rejection in view of the following comments.

Specifically, the Examiner rejects claim 12 because the Examiner views claims 2 and 12 as being inconsistent and therefore not enabling. However, the claims can be read together and are consistent.

Claim 12 recites:

"The switch of claim 2, wherein,

when the detector recognizes that the
received signaling message is not addressed to
the switch by the destination,

the detector forwards the received
signaling message to the translator, and
wherein,

when the translator receives the signaling
message from the detector,

the translator replaces the receive flag with the predetermined constant character string regardless of the destination for the signaling message."

The claims 2 and 12 are consistent because, for example, the translator replaces the received flag with the predetermined constant character string regardless of the destination. In other words, an exemplary detector detects if the message is addressed to this switch. Only when the message is not addressed to the switch, it is sent to the translator which replaces the flag. That is, in an exemplary embodiment, the destination is irrelevant to the translator *i.e.*, if the translator received the message, the flag is replaced. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the aspects of the claims thought to be inconsistent. The Applicant respectfully requests the Examiner to withdraw this rejection.

IV. Claim Rejections Under 35 U.S.C. § 101

The Examiner rejects claims 1-16 under 35 U.S.C. § 101 because the Examiner alleges the claimed invention is directed to non-statutory subject matter. Claims 1, 3, 9, and 15 have been amended for improved conformity with the U.S. practice *i.e.*, it is further clarified that switch comprises software and hardware and not software per se. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory claim amendments being made herein.

V. Claim Rejections Under 35 U.S.C. § 102

The Examiner rejects claims 1-16 as being anticipated by Dunn et. al (U.S. Patent No. 6,324,280). Applicant respectfully traverses the rejection.

Claim 1 recites a circuit switch comprising, in part:

"a receiver for adding a receive flag to a received signaling message,

wherein the order is a predetermined constant character string."

Dunn discloses a method of optimum routing of calls over the public switched telephone network and the internet. Dunn discloses an originating station 25 transmitting a packet 50 over a telephone 11 or internet network 10 to a terminating switch 2 that contains a call identifier 41 and the IP address of the originating switch.¹ However, the switch does not have a receiver for adding a receive flag to the received packet.

The Examiner rejects claim 1 because the Examiner alleges the receive flag as set forth in claim 1 is disclosed by Dunn. The Examiner alleges a receiver for adding a receive flag to a received message is anticipated by terminating toll switch 2 (the alleged switch) and that in response to the receipt of the IAM message, an IAM acknowledgement with an added IP field is sent (Office Action, page 5).

However, Dunn does not disclose a receiver for adding a receive flag to the received signaling message. While Dunn may add an IP field to the IAM acknowledgment, the receive flag of claim 1 is a flag added to the received message to indicate that the signaling message of claim 1 has been received (Fig. 2, See Step 25). Dunn adds an IP address, not a flag as set forth in claim 1. Therefore, claim 1 is patentable. Claims 2, 7, 8, 11-13 depend from claim 1 and are patentable for at least analogous reasons as claim 1.

Claim 3 recites a switch:

"wherein the receive flag is a specified constant and the predetermined send order is a specified constant character string."

Dunn discloses a method of optimum routing of calls over the public switched telephone network and the internet. The added messages to the acknowledgement signals are changing IP

¹ "If the originating toll access switch decides to route the call over telephone network 11, this function is carried out in the manner of the prior art. If, however, the decision is made to route the call over the Internet 10, then a series of packets are exchanged between the originating toll access switch 1, and the terminating toll access switch 2. Initial address message, (IAM 40) is sent from the originating toll access switch 1 to the terminating toll access switch 2 over the CCS7 network 5. The IAM 40 contains a call identifier 41, and in accordance with the principles of Applicants' invention also contains the Internet Protocol address of switch 1, (IP 1), in field 42 of the IAM 40." (Dunn, col. 3, lines 34-45).

addresses, that change with the IP address (52, 57, 47, 42) of the terminal 2 and originating switch 1 (Fig. 1).

The Examiner rejects claim 3 because the Examiner alleges Dunn discloses a switch wherein the receive flag is a specified constant. Dunn does not disclose a receive flag that is a specified constant. The IP address varies from message to message depending on the address of the switch and is not constant as recited in claim 3. Therefore, claim 3 is patentable.

Claims 4-6, and 14 depend from claim 3 and are patentable for at least analogous reasons as claim 3.

Claim 9 recites similar features as claim 1 and is patentable for at least analogous reasons. Claim 10 depends from claim 9 and is patentable for at least analogous reasons.

Claim 15 recites similar features as claim 1 and is patentable for at least analogous reasons. Claim 16 depends from claim 15 and is patentable for at least analogous reasons.

VI. New Claims

In order to provide more varied protection, Applicant adds claims 17-25.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to set up an in person interview.**

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 09/323,135

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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